

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No. 9:23-cv-81373- MIDDLEBROOKS-MATTHEWMAN

CONSUMER FINANCIAL PROTECTION BUREAU
Plaintiff,

vs.

FREEDOM MORTGAGE CORPORATION,
Defendant.

**PLAINTIFF'S STATEMENT OF MATERIAL FACTS IN OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

1. Undisputed.
2. Undisputed.
3. Undisputed.
4. Undisputed.
5. Undisputed.

ADDITIONAL FACTS

I. Defendant Agreed Not to Challenge the 2019 Consent Order.

6. The Bureau's 2019 Consent Order (2019 Order) addressed the Bureau's findings that Defendant violated Section 304 of the Home Mortgage Disclosure Act, 12 U.S.C. § 2803, and Sections 1003.4 and 1003.5 of Regulation C, 12 C.F.R. §§ 1003.4, 1003.5. Dkt 87-2, Consent Order, *In re Freedom Mortgage Corp.*, No. 2019-BCFP-0007 (June 5, 2019) (2019 Order) ¶ 28.
7. Among other provisions, the Order requires compliance with Section 304(a), (b), or (h) of the Home Mortgage Disclosure Act, 12 U.S.C. § 2803(a), (b), and (h), and Sections 1003.4(a)-(b) or 1003.5(a) of Regulation C, 12 C.F.R. §§ 1003.4(a)-(b), 1003.5(a). *Id.* ¶ 29.
8. Defendant executed a "Stipulation and Consent to the Issuance of a Consent Order," by which Defendant consented to the issuance of a Consent Order by the Bureau. *Id.* ¶ 2; Dkt 87-3, Stipulation, *In re Freedom Mortgage Corp.*, No. 2019-BCFP-0007 (June 5, 2019) (2019 Stipulation) ¶ 2.
9. Defendant agreed that the 2019 Order would be "fully enforceable" by the Bureau. Dkt. 87-3, 2019 Stipulation ¶ 3.
10. Defendant waived its "right to seek any . . . judicial review of the Consent Order." *Id.* ¶ 9.d.
11. Defendant further waived "[a]ny other right to challenge or contest the validity of the Consent Order." *Id.* ¶ 9.f.

II. Defendant Has Repeatedly Represented That It Understand the 2019 Order's Requirements.

12. Defendant claimed that it made certain "improvements and enhancements" in order to comply with the Order. Dkt. 87-11, Letter from Steven Molitor to Mitchell Kent (Sept. 14, 2021) at 5.
13. Defendant's 30(b)(6) representative, Cynthia Berman, testified on behalf of the company that, "As soon as we entered into the consent order, we made it our top priority." Dkt. 87-7, Dep. of Freedom 30(b)(6) Representative, Cynthia Berman (April 16, 2024) at 43:1–2.

14. Defendant's representative further testified that, after entering to the 2019 Order, the company "focused on making the key changes directed by the consent order." *Id.* at 43:10–11.
15. Defendant has described making numerous, specific changes to its policies and procedures related to HMDA compliance, pursuant to the 2019 Order. Dkt 87-1, Defendant's First Response to January 2022 Civil Investigative Demand (Mar. 11, 2022) at 10–13.

Dated: May 31, 2024

Respectfully submitted,

/s/ Emily Holness

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2024, I electronically filed the foregoing document with the Clerk of Court using CM/ECF, which will provide automatic notice to the below listed counsel of record.

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